



Docket No.: A0312.70388 US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard Schubert et al
Serial No.: 09/748,700
Confirmation No.: 4554
Filing Date: December 22, 2000
Title: DEVICE FOR USE IN CONTROLLING A SAMPLE RATE

Examiner: Khai Tran
Art Unit: 2637

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR APPROVAL AND ENTRY OF FORMAL DRAWINGS

Enclosed for filing are thirty two (32) sheets of FORMAL DRAWINGS, Figures 1-32, for the above-referenced patent application, labeled "Replacement Sheets." Five (5) sheets labeled "Annotated Sheets" are also enclosed to show amended Figures 7, 15a, 15b, 20A, 25, and 30.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23/2825.

Respectfully submitted,

Steven J. Henry, Reg. No. 27,900
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Docket No.: A0312.70388 US00
Date: May 16, 2005
x05/16/05x



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Sir:

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Applicant notes with appreciation the Notice of Allowance and the Examiner's Statement of Reasons for the indication of allowable subject matter. However, so as not to suggest that Applicant acquiesces in the Examiner's reasons for allowance, which Applicant does not, some comments are submitted.

The allowed subject matter is, of course, defined by the claims that have been allowed. Three independent claims and several dependent claims have been allowed. The Examiner's Statement is a brief recitation of one reason for allowance, of just one independent claim. It is just a statement of a single, non-exhaustive reason and should not be assumed to be the only reason for allowance. The Examiner's Statement tracks a portion of claim 1 only. It does not track claims 29 and 30, leaving the record unclear as to the reasons for allowance of those claims and as to any additional reason for allowance of claim 2. Applicant notes, most specifically, therefore, that claims 29 and 30 are not to be construed - And Applicant asserts they may not be construed - to contain the limitations set forth in the Examiner's Statement. Applicant does not agree that the reasoning expressed in the Examiner's Statement defines the distinguishing characteristics of claims 29 and 30 or their dependent claims. Neither does it disclose all of the distinguishing characteristics of claim 2.

The allowed claims thus stand on their own.

Respectfully submitted,



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Express Mail Label No.: EV 492 322 067 US

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MAIL STOP ISSUE FEE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

Part B - Issue Fee Transmittal

Request for Corrections, Approval & Entry of Drawings for 32 sheets of Formal Drawings, Figs. 1-32

Comment of Examiner's Statement of Reasons for Allowance

Amendment after Allowance

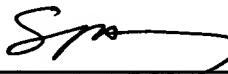
Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$1,700 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:


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